



## **POSITION STATEMENT**

**Bill:** SB 770 / HB 1105 Applicants for Positions Involving Direct Contact With Minors - Required Information, Review Process, and Reporting - Alterations

**Position:** Informational

**Date:** February 21, 2025

**Contact:** Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear: Chair Brian Feldman,

The Maryland-National Capital Park and Planning Commission (“M-NCPPC” or the “Commission”) has not taken a position on this bill. However, staff have prepared informational comments for clarification purposes.

**What this Bill Does.** This bill requires childcare centers and youth-serving organizations to require applicants for positions involving direct contact with minors to submit certain information, requiring county boards of education, nonpublic schools, and contracting agencies to require applicants for positions involving direct contact with minors to submit certain information relating to certain boundary-violating behavior. This bill also requires childcare centers and youth-serving organizations to follow certain procedures when hiring applicants for positions involving direct contact with minors, requiring each county board of education to report certain information to the State Department of Education each year and requiring the Department to compile the information and report to the General Assembly each year.

### ***A) Notice and Consent Requirements***

- Under this provision, the Commission will have to amend its online application to include the notices and required consents. There are some concerns regarding how we would verify if the applicant failed to disclose a previous employer (either deliberately or oversight.) Also, in many instances, the prior point of contact may no longer be valid or available.

*B). Applicants would have to provide a Child Protective Services Background Clearance Form, signed and notarized and submitted to the MD Dept of Human Services WebPortal.*

- There are logistical issues both internally and at the State level.
- We currently require background checks during the hiring process for all Commission employees including personnel working at our summer camps and youth programs, but only day care center personnel are currently subject to CPS background clearance. Subjecting all of our youth-serving personnel to a CPS clearance will result in 1000 to 1500 clearance requests in a 12-month cycle.
- The return of findings by CPS is often delayed. **In many cases we do not get clearance from CPS for several weeks, which will be a big problem for summer employment and short-term youth programming instructors (6 to 8 weeks typically).**

*C). The Commission would be required to contact the former employers listed by the applicant and ask whether the person had been subject to any investigation, discipline or charges for sex abuse, sexual misconduct or boundary-violating behavior.*

- Further guidance on how this process will work is necessary. This would be a significant administrative burden involving time and effort by our human resources teams. There may be significant privacy issues to be considered. This could add significant time to the hiring process. It is unclear what our response should be if former employers decline to answer our questions.